

# *West Virginia Board of Medicine Quarterly Newsletter*

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## **2002 Legislative Update-Regular Legislative Session**

Committee Substitute for S.B. 243, relating to professional discipline of physicians and podiatrists by the Board of Medicine, has been signed by Governor Wise after passing both the Senate and the House of Delegates. The bill will take effect May 28, 2002. In addition to updating terminology, eliminating conflicting language, and making technical revisions to a portion of the Medical Practice Act, (West Virginia Code §30-3-14) the bill requires increased reporting to the Board of Medicine, from managed care organizations, the state board of risk and insurance management, hospitals and courts. In addition, the bill amends the law pertaining to Health Care Peer Review Organization Protection, providing for liability for court costs and attorney fees in certain civil actions.

Committee Substitute for Senate Bill 555, relating to obtaining licenses to practice medicine or podiatry, has been signed by the Governor after passage by the Senate and the House. The bill benefits applicants for medical and podiatric licenses by measuring the time period during which they must pass all components of the standard medical or podiatric examination from the first passage of a component rather than from the first sitting for a component. The bill will be effective June 5, 2002.

Committee Substitute for H.B. 4419, relating to monitoring controlled substances generally, has been signed by the Governor and will be effective September 1, 2002. The bill provides that it is a misdemeanor for a patient, with intent to deceive and obtain a controlled substance prescription, to withhold information from a practitioner that the patient has obtained a prescription for a controlled substance of a similar therapeutic use in a concurrent time period from another practitioner. The bill adds schedule III and IV controlled substance prescriptions to the monitoring program established in 1995 for schedule II controlled substances, to be implemented by the Board of Pharmacy.

House Bill 4275, relating to end of life pain management, passed the House and the Senate and was signed by Governor Wise. It will take effect June 6, 2002. The bill expands upon what is considered an "accepted guideline", specifically including policy or position statements relating to pain management issued by a board with jurisdiction over health care practitioners. The bill adds protections for a physician who prescribes for a patient who is not dying but who suffers from intractable pain, even though the dosage prescribed exceeds the average dosage of a pain-relieving controlled substance, if the physician is able to show that his or her practice is in substantial compliance with an accepted guideline, which includes the West Virginia Board of Medicine Position Statement on the Use of Opioids for the Treatment of Chronic Non-Malignant Pain adopted July 14, 1997. (See page 6 where the entire Position Statement is re-printed.)

Committee Substitute for S.B. 283, the Women's Right to Know Act, was vetoed by the Governor. The Board of Medicine had urged the Governor to veto the bill because of the punishments the bill mandated for physicians, the discriminatory nature of the punishments, the intrusions on the powers of the Board, the lack of "due process" for physicians, and because of the potential for penalties to be assessed against the Board for carrying out its duties under the bill. The Governor cited the concerns of the Board of Medicine as well as those of the West Virginia Medical Association in vetoing the bill.

The Board suggests that for a complete view of what these new laws state, the provisions of each should be examined. Copies of the bills briefly described above, or any other bills which may be of interest to readers which became law as a result of the 2002 Legislative session, may be obtained by calling the House of Delegates Clerk for a House Bill at (304) 340-3200, or the Senate Clerk for a Senate Bill at (304) 357-7800.

## **BOARD MEMBER PROFILE**

### **Doris M. Griffin**

In 2001, Doris Griffin was appointed to the Board of Medicine by Governor Bob Wise. She is one of the consumer members of the Board and is a member of the Licensure Committee and the Physician Assistant Committee.

Ms. Griffin was born and raised in New Brunswick, N.J., and is a graduate of Cornell University in Ithaca, N.Y., where she majored in Consumer Economics and Public Policy. She received her M.B.A. from Cornell's Johnson Graduate School of Management. After an Administrative Residency at Grady Memorial Hospital in Atlanta, Georgia, Ms. Griffin was employed as a Management Analyst at the Veterans Affairs Medical Center in East Orange, New Jersey, from 1975 to 1979. In 1983, she attained the level of Member in the American College of Healthcare Executives.

She has lived in the Martinsburg, West Virginia, area for more than 20 years, working at the Martinsburg VA Medical Center in hospital management until her retirement in 2000. At the time of her retirement, she was Assistant to the Medical Center Director. She graduated from the Leadership VA Program in 1994, and is a Life Member of its Alumni Association.

Honors received by Ms. Griffin include the Martin Luther King Scholarship Committee Award for Community Service in Berkeley County, which was awarded in 1992; second place for Media Relations for public affairs coordination of President Clinton's visit to the Martinsburg VA Medical Center in 1993; and recognition from the Berkeley County Board of Education for her 1993 presidency of the School-Business Partnership Program. She is also a graduate of Leadership Berkeley.

Ms. Griffin is active in civic affairs. Currently she is a member of the Berkeley/Morgan Counties United Way Board, a Community Policy Board Member of RESA VIII Head Start Program in Martinsburg and a Board Member of the Martinsburg Rotary Club. From 1998-2000, she served as a member of the Eastern West Virginia Rural Health Education Consortium. In addition she has served on three Berkeley County Superintendent of Schools search committees. For ten years, she was Chairperson of the Cornell University Area (WV, MD and VA) Alumni Admissions Committee. She is a member of The Links, a national Women's service organization.

She attends Destiny Church in Martinsburg, where she is a member of the Investment Committee and the Imani Foundation, the social service agency of the church.

## BOARD ACTIONS January 2002 – March 2002

**BALTIERRA, MARIA DEJESUS, M.D.** – San Diego, CA (03/12/02)  
WV License No. 16859

**Board Finding:** Unqualified to practice medicine and surgery in the State of West Virginia due to denial of licensure in another state; unprofessional conduct; etc.

**Board Action:** REVOCATION of license effective March 18, 2002.

**FARNSWORTH, MARK BRYAN, M.D.** - Philippi, WV (01/31/02)  
WV License No. 15126

**Board Finding:** Delegating professional responsibilities to a person when the physician delegating such responsibilities has reason to know that such person is not qualified by licensure to perform them.

**Board Action:** PUBLICLY REPRIMANDED for permitting a physician assistant for whom he is supervisor to write prescriptions for a two (2) year period without any legal authority to do so.

**LITTLE, PAUL MICHAEL, JR., M.D.** - San Angelo, TX (01/04/02)  
WV License No. 18440

**Board Finding:** Relating to having a license in another jurisdiction acted against; being addicted to a controlled substance; being found guilty of a crime in any jurisdiction, which offense is a felony; and violating a rule of the Board.

**Board Action:** License SUSPENDED effective January 7, 2002, at 12:01 a.m. Said suspension shall remain in effect pending Dr. Little's release from military confinement and his appearance before the Complaint Committee.

**MCMURRY, JOHN P., M.D.** - Point Pleasant, WV (01/31/02)  
WV License No. 20759

**Board Finding:** The Board found that probable cause exists to deny Dr. McMurry's application for a license to practice medicine and surgery in this State, due to the provisions of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(h), relating to excessive use of drugs, and that it is appropriate

to grant Dr. McMurry a license to practice medicine and surgery in the State of West Virginia, provided certain restrictions, limitations, and accommodations are placed upon his license to practice medicine and surgery in the State of West Virginia.

**Board Action:** Dr. McMurry, having met the requirements for medical licensure in the State of West Virginia, was licensed to practice medicine and surgery in the State of West Virginia and was granted License No. 20759, effective February 1, 2002, subject to a two (2) year probationary status.

**STOCK, RODOLFO K., M.D.** – Charleston, WV (03/14/02)

WV License No. 08748

**Board Finding:** Unqualified to practice medicine and surgery in the State of West Virginia due to being found guilty of a crime which is a felony and engaging in dishonorable, unethical, and unprofessional conduct.

**Board Action:** License SUSPENDED for a minimum period of three (3) years, beginning March 18, 2002. Upon completion of the three (3) year period of suspension, provided Dr. Stock has fully complied with all the requirements set forth in the ORDER, he may resume the practice of medicine under a two (2) year period of probation, with limitations, conditions, and restrictions.

**WALTER, STEVEN WAYNE, M.D.** - Lewisburg, WV (02/06/02)

WV License No. 16305

**Board Finding:** The Board found that probable cause exists to deny Dr. Walter reinstatement of his license to practice medicine and surgery in this State, due to the provisions of West Virginia Code §30-3-14(c) (21), the “inability to practice medicine and surgery with reasonable skill and safety due to . . . abuse of . . . alcohol,” and that it is appropriate to reinstate Dr. Walter’s license to practice medicine in the State of West Virginia, provided certain accommodations, restrictions, and limitations are placed upon Dr. Walter’s license to practice medicine in the State of West Virginia.

**Board Action:** Dr. Walter, having met the requirements for a license to practice medicine in the State of West Virginia, was licensed to practice medicine in the State of West Virginia, and was reinstated effective February 15, 2002, subject to accommodations, limitations, and restrictions. Dr. Walter’s license was immediately REVOKED, and said revocation was STAYED, and his license was placed in a probationary status effective February 15, 2002, for a period of three (3) years.

## **LICENSURE RENEWAL NOTICE**

On Friday, May 17, 2002, licensure renewal applications will be mailed certified to all medical doctors whose last names begin with the letters A through L. Renewal applications will be mailed to the address of record on file at the Board offices.

If a licensee, whose last name begins with the letters A through L, does not receive a renewal application, please contact the Board’s Renewal Coordinator at (304)558-2921, Ext. 218 or fax your written request for a duplicate application to (304)558-2084. A duplicate copy of the renewal application will be mailed to the licensee.

In order to avoid automatic suspension of a medical license, a physician must either: 1) complete the renewal application to renew the license, or 2) complete the one-page certification included in the renewal application packet to lapse/expire the license. This information must be completed and RECEIVED in the Board office BEFORE Friday, June 28, 2002, at 5:00 p.m.

Every year physicians are suspended because they fail to pay attention to this warning. The Board would prefer not to suspend anyone, but physicians must do their part!

**WEST VIRGINIA BOARD OF MEDICINE  
POSITION STATEMENT ON THE USE OF OPIOIDS FOR  
THE TREATMENT OF CHRONIC NON-MALIGNANT PAIN**

Recent national guidelines have clarified the use of opioids in the management of acute pain and cancer pain. There is general consensus that opioids have a place in relieving intractable pain and suffering in the terminally ill when other measures fail, regardless of diagnosis. However, the problem of treatment of chronic non-malignant pain in the non-terminal patient is a controversial and difficult area, and guidelines are needed. The Board of Medicine appreciates the significance of this problem and urges that high priority be given to the suffering patient.

The purpose of this statement is to clarify the Board of Medicine's position on the appropriate use of opioids for patients with chronic non-malignant pain so that these patients will receive quality pain management and so that their physicians will not fear legal consequences, including disciplinary action by the Board, when they prescribe opioids in a manner described in this statement. It should be understood that the Board recognizes that opioids are appropriate treatment for chronic non-malignant pain in *selected* patients.

Complete documentation is essential to support the evaluation, the reason for opioid prescribing, and the overall pain management treatment plan, including documentation of all opioid prescriptions. All consultations and periodic reviews of treatment efficacy should be documented.

A physician need not fear disciplinary action by the Board if complete documentation of prescribing of opioids in chronic non-malignant pain, even in large doses, is contained in the medical records.

Nothing in this statement should be interpreted as endorsing inappropriate or imprudent prescribing of opioids for chronic non-malignant pain.

**SUGGESTED REFERENCES:**

Journal of Pain and Symptom Management, Volume 11, No. 4, April 1996, "Opioid Therapy For Chronic Non-Malignant Pain; A Review Of The Critical Issues", Russell K. Portnoy, M.D.

"The Use Of Opioids For the Treatment of Chronic Pain", A Consensus Statement from the American Academy of Pain Medicine and the American Pain Society, 1997.

It is the position of the Board that effective management of chronic non-malignant pain should include:

1. a complete assessment of the pain history and the impact of pain on the patient and family;

2. a comprehensive drug history with special attention to substance abuse and effective use of analgesics;
3. a psychosocial history with special attention to psychiatric disorders or a home environment that might place the patient at high risk for noncompliance with a therapeutic regimen that would include chronic use of opioids;
4. an appropriate physical exam;
5. appropriate diagnostic studies;
6. a working diagnosis and a treatment plan that may involve a formal pain rehabilitation program, the use of behavioral strategies, the use of noninvasive techniques, or the use of medications, depending on the physical and psychosocial impairment related to the pain;
7. a specific clinical protocol that requires monthly monitoring until stable dosing is obtained and then no less often than every three month physician visits, and a single physician prescribing, or a designee in his or her absence, and a single pharmacy dispensing all opioid prescriptions;
8. education of the patient as to the practice protocol for prescribing chronic opiates, and the treatment plan detailing the risk and benefits of opioid use, and the responsibilities of the patient;
9. an assessment at each visit of control of pain, opioid-related side effects, patient functional status (physical and psychological) and patient use of the medication in the manner prescribed;
10. periodic review of treatment efficacy to ensure that the goal of minimizing pain and improving function is achieved and that opioid therapy is still indicated; and
11. consultation with a medical provider with experience and training in the management of chronic pain if the duration of prescribing opioids exceeds three to six months.

**Adopted by the West Virginia Board of Medicine on July 14, 1997**

**??? Did You Know ???**

To replace a wallet card that has been lost, stolen, or destroyed, a written request must be submitted to the Board office. This request must contain an original signature by the practitioner (medical doctor, podiatrist, or physician assistant). There is no charge for the duplicate wallet card.

## **MEETINGS OF THE WEST VIRGINIA BOARD OF MEDICINE 2002**

May 13

July 15

September 9

November 4

*All meetings begin at 9:00 am*

### **WV Board of Medicine**



101 Dee Drive  
Charleston, WV 25311  
Phone: 304-558-2921  
Fax: 304-558-2084  
[www.wvdhhr.org/wvbom](http://www.wvdhhr.org/wvbom)

### **West Virginia Board of Medicine Board Members**

**Sarjit Singh, M.D., President**  
**Weirton**

**Leonard Simmons, D.P.M., Vice President**  
**Fairmont**

**Henry G. Taylor, M.D., M.P.H., Secretary**  
**Charleston**

**R. Curtis Arnold, D.P.M.**  
**South Charleston**

**Rev. Richard Bowyer**  
**Fairmont**

**Ahmed D. Faheem, M.D.**  
**Beckley**

**Angelo N. Georges, M.D.**  
**Wheeling**

**Ms. Doris M. Griffin**  
**Martinsburg**

**M. Khalid Hasan, M.D.**  
**Beckley**

**J. David Lynch, Jr., M.D.**  
**Morgantown**

**Carmen R. Rexrode, M.D.**  
**Moorefield**

**Lee Elliott Smith, M.D.**  
**Princeton**

**John A. Wade, Jr., M.D.**  
**Point Pleasant**

**Kenneth Dean Wright, P.A.-C.**  
**Huntington**

Ext #                      Staff of the West Virginia Board of Medicine (304) 558-2921		
227	Ronald D. Walton, M.A.	Executive Director
214	Deborah Lewis Rodecker, J.D.	Counsel
216	Susan K. Conner, J.D.	Prosecutor/Complaint Committee Counsel
212	M. Ellen Briggs	Administrative Secretary to the Executive Director
220	Becky Burgess	Fiscal Officer
222	Leslie A. Higginbotham	Paralegal and Investigator
215	Lynn Hill	Information Systems Coordinator
210	Charlotte A. Jewell	Receptionist/Physician Assistant Coordinator
213	Sherry M. Kelly	Complaints Coordinator
221	Crystal Lowe	Licensure Analyst
211	Janie Pote	Administrative Secretary to Legal Department
224	Tracy Ransom	Verification Clerk

#### NEWSLETTER VIA E-MAIL REQUEST FORM

☐ Yes, I would like to receive my newsletter via e-mail instead of U.S. mail  
(Please check the box)

Name of Licensee: \_\_\_\_\_ WV License No: \_\_\_\_\_

E-mail Address: \_\_\_\_\_(i.e.user@domain.com)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Original Signature of Licensee is Required



**CHANGE OF ADDRESS FORM**

**WV License No:** \_\_\_\_\_ **Date of Change:** \_\_\_\_\_  
**Name of Licensee:** \_\_\_\_\_

**PLEASE CHECK ONLY ONE PREFERRED MAILING ADDRESS:**

(The preferred mailing address is the licensee's address of record, which is public information.)

(Note that telephone numbers are not considered public information.)

(    ) Principal Office or Work Location    \*ONLY CHECK ONE\*    (    ) Home Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Original Signature of Licensee is Required

*Mail completed form(s) to:*

**West Virginia Board of Medicine**

101 Dee Drive · Charleston, WV 25311

***Fax copies not accepted.***

*By law, you must keep this office apprised of any and all address changes*